

By: Isaac

H.B. No. 3333

A BILL TO BE ENTITLED

AN ACT

1
2 relating to permits for certain injection wells that are part of an
3 aquifer storage and recovery project that transect a portion of the
4 Edwards Aquifer.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Sections 27.0516(b), (f), (h), and (k), Water
7 Code, are amended to read as follows:

8 (b) This section applies only to the portion of the Edwards
9 Aquifer that is within the geographic area circumscribed by the
10 external boundaries of the Barton Springs-Edwards Aquifer
11 Conservation District [~~but is not in that district's territory or~~
12 ~~the territory of the Edwards Aquifer Authority~~].

13 (f) The commission by general permit may authorize:

14 (1) an activity described by Subsection (e);

15 (2) an injection well that transects and isolates the
16 saline portion of the Edwards Aquifer and terminates in a lower
17 aquifer for the purpose of injecting:

18 (A) concentrate from a desalination facility; or

19 (B) fresh water as part of an engineered aquifer
20 storage and recovery facility;

21 (3) an injection well that terminates in that part of
22 the saline portion of the Edwards Aquifer that has a total dissolved
23 solids concentration of more than 10,000 milligrams per liter for
24 the purpose of injecting into the saline portion of the Edwards

1 Aquifer:

2 (A) concentrate from a desalination facility,
3 provided that the injection well must be at least three miles from
4 the closest outlet of Barton Springs; or

5 (B) fresh water as part of an engineered aquifer
6 and storage recovery facility, provided that each well used for
7 injection or withdrawal from the facility must be at least three
8 miles from the closest outlet of Barton Springs; ~~or~~

9 (4) an injection well that transects or terminates in
10 the Edwards Aquifer for:

11 (A) aquifer remediation;

12 (B) the injection of a nontoxic tracer dye as
13 part of a hydrologic study; or

14 (C) another beneficial activity that is designed
15 and undertaken for the purpose of increasing protection of an
16 underground source of drinking water from pollution or other
17 deleterious effects; or

18 (5) an injection well that transects the Edwards
19 Aquifer provided that:

20 (A) the injection well isolates the Edwards
21 Aquifer;

22 (B) the injected water meets the standards under
23 the federal Safe Drinking Water Act (42 U.S.C. Section 300f et
24 seq.); and

25 (C) the injection well is part of an engineered
26 aquifer storage and recovery facility owned and operated by a
27 municipality.

1 (h) Rules adopted or a general permit issued under this
2 section:

3 (1) must require that an injection well authorized by
4 the rules or permit be monitored by means of:

5 (A) a monitoring well operated by the injection
6 well owner if the commission determines that there is an
7 underground source of drinking water in the area of review that is
8 potentially affected by the injection well; or

9 (B) if Paragraph (A) does not apply, a monitoring
10 well operated by a party other than the injection well owner,
11 provided that all results of monitoring are promptly made available
12 to the injection well owner;

13 (2) must ensure that an authorized activity will not
14 result in the waste or pollution of fresh water;

15 (3) may not authorize an injection well under
16 Subsection (f)(2), ~~[or]~~ (3), or (5) unless the well is initially
17 associated with a small-scale research project designed to evaluate
18 the long-term feasibility and safety of:

19 (A) the injection of concentrate from a
20 desalination facility; or

21 (B) an aquifer storage and recovery project;

22 (4) must require any authorization granted to be
23 renewed at least as frequently as every 10 years;

24 (5) must require that an injection well authorized
25 under Subsection (f)(2)(A) or (3)(A) be monitored on an ongoing
26 basis by or in coordination with the well owner and that the well
27 owner file monitoring reports with the commission at least as

1 frequently as every three months; and

2 (6) must ensure that any injection well authorized for
3 the purpose of injecting concentrate from a desalination facility
4 does not transect the fresh water portion of the Edwards Aquifer.

5 (k) Notwithstanding Subsection (h)(3), a general permit may
6 authorize the owner of an injection well authorized under
7 Subsection (f)(2), ~~(3)~~, or (5) to continue operating the well
8 for the purpose of implementing the desalination or engineered
9 aquifer storage and recovery project following completion of the
10 small-scale research project, provided that:

11 (1) the injection well owner timely submits the
12 information collected as part of the research project, including
13 monitoring reports and information regarding the environmental
14 impact of the well, to the commission;

15 (2) the injection well owner, following the completion
16 of studies and monitoring adequate to characterize risks to the
17 fresh water portion of the Edwards Aquifer and other fresh water
18 associated with the continued operation of the well, and at least 90
19 days before the date the owner initiates commercial well
20 operations, files with the commission a notice of intent to
21 continue operation of the well after completion of the research
22 project; and

23 (3) the commission, based on the studies and
24 monitoring, the report provided by Texas State University--San
25 Marcos under Subsection (l)(2), and any other reasonably available
26 information, determines that continued operation of the injection
27 well as described in the notice of intent does not pose an

1 unreasonable risk to the fresh water portion of the Edwards Aquifer
2 or other fresh water associated with the continued operation of the
3 well.

4 SECTION 2. Section 27.0516(a)(1), Water Code, is amended to
5 read as follows:

6 (1) "Edwards Aquifer" means that portion of an arcuate
7 belt of porous, waterbearing limestones composed of the Edwards
8 Formation, Georgetown Formation, Comanche Peak Formation, Salmon
9 Peak Limestone, McKnight Formation, West Nueces Formation, Devil's
10 River Limestone, Person Formation, Kainer Formation, and Edwards
11 Group [~~trending from west to east to northeast through Kinney,
12 Uvalde, Medina, Bexar, Kendall, Comal, Hays, Travis, and Williamson
13 Counties~~]. The permeable aquifer units generally overlie the
14 less-permeable Glen Rose Formation to the south[~~, overlie the
15 less-permeable Comanche Peak and Walnut Formations north of the
16 Colorado River,~~] and underlie the less-permeable Del Rio Clay
17 regionally.

18 SECTION 3. This Act takes effect immediately if it receives
19 a vote of two-thirds of all the members elected to each house, as
20 provided by Section 39, Article III, Texas Constitution. If this
21 Act does not receive the vote necessary for immediate effect, this
22 Act takes effect September 1, 2017.